

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Wayne Nicolaison,

Civil No. 07-3224 (RHK/JJG)

Petitioner,

vs.

ORDER

Cal Ludeman,

Respondent.

Having reviewed de novo the January 14, 2008, Report and Recommendation of Magistrate Judge Jeanne J. Graham, and Petitioner's Objections thereto, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 32) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 30) is **ADOPTED**;
3. The Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**;
4. Petitioner's Motion for Default Judgment (Doc. No. 8) is **DENIED**;
5. Respondent's Motion to Dismiss (Doc. No. 15) is **GRANTED**;
6. Petitioner's Motion for an Evidentiary Hearing (Doc. No. 23) is **DENIED**; and
7. Petitioner's Motion to Strike (Doc. No. 29) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 21, 2008

s/Richard H. Kyle _____
RICHARD H. KYLE
United States District Judge